

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**In re:**

**RAGIBOMMANAHALI M.  
SUNDARESH,**

**Debtor.**

**Chapter 11  
Bankr. Case No. 12-12217-BFK**

**STIPULATIONS AND CONSENT ORDER RESOLVING UNITED STATES TRUSTEE'S  
MOTION TO SHOW CAUSE  
AGAINST MICHAEL LAWRENCE EISNER**

Before the Court is the United States Trustee's Motion for Rule to Show against Michael Lawrence Eisner, Esq. for him to show cause why he should not be held in contempt and sanctioned for not complying with the United States Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

**STIPULATIONS**

The United States Trustee, through his undersigned counsel, and Michael Lawrence Eisner, *pro per*, hereby stipulate as follows:

1. On September 6, 2012, the United States Trustee file a Motion for Rule to Show Cause asking that this Court enter a Rule to Show Cause against Michael Lawrence Eisner (Docket No. 37). The United States Trustee's motion alleges (1) that Mr. Eisner failed to address his inability to represent the Debtor in this chapter 11 case; that this was a lack of diligence on the part of Mr. Eisner; and that this was a violation of Rule 1.3 of the Virginia Rules of Professional Conduct; and (2) that Mr. Eisner received \$5,250 in June, 2012, (post-petition) from the Debtor without

notice or Court approval; that the receipt of this money from the Debtor was a violation of Bankruptcy Code section 330 and Bankruptcy Rule 2016(a).

2. On, September 25, 2012, this Court held a hearing on the United States Trustee's Motion for a Rule to Show Cause. Mr. Eisner did not appear at the September 25, 2012 hearing. The Court directed counsel for the United States Trustee serve a copy of a Rule to Show Cause (Docket No. 60) on Mr. Eisner by first class mail, postage pre-paid.

3. Mr. Eisner acknowledges service of the Rule to Show Cause.

4. During the events that are the subject of the United States Trustee's Motion for a Rule to Show Cause, Mr. Eisner suffered from several illnesses and was hospitalized.

5. Without admitting liability or the truth of the allegations made in the United States Trustee's motion, Mr. Eisner agrees not to contest the motion and to the following terms and conditions:

- a. **Resignation from Bar:** Subject to Court approval of the terms of this order, Michael Lawrence Eisner agrees to resign from the bar of the United States Bankruptcy Court for the Eastern District of Virginia. Mr. Eisner further agrees that he shall not apply for readmission to the bar of said Court for a period of one year from the date of the entry of this order. Mr. Eisner agrees to serve a copy of any applications for readmission on the office of the United States Trustee.
- b. **Resignation Resolves United States Motion to Show Cause :** The United States Trustee agrees that this resignation shall resolve current motion for an order to show cause pending against Mr. Eisner in the case of *In re Ragibommanahali M.Sundaresh*, Case No. 12-12217. Mr. Eisner agrees that, in the event that he applies for admission to the United States Bankruptcy Court for the Eastern

District of Virginia, as permitted herein, the facts and circumstances of this case or any other grounds that may serve as a basis for sanctions against Mr. Eisner may be considered by the courts in determining said application and any terms and conditions that should be made as to my application.

- c. **Withdrawal from cases:** Mr. Eisner agrees to withdraw from all pending Chapter 7, 11 and Chapter 13 Bankruptcy cases now pending in the Eastern District of Virginia. Mr. Eisner will provide reasonable assistance to his clients and any new counsel retained by them and will otherwise comply with applicable ethical rules relating to transferring cases to other counsel. Mr. Eisner will not file any new cases effective immediately and will terminate all representations not later than 45 days after today's date. A list of Mr. Eisner's open cases is attached as Exhibit A.
- d. **Refund of fees from unfiled cases:** Mr. Eisner agrees that he shall refund in full any retainers paid to him on behalf of clients whose cases have not been filed and will assist them in obtaining other counsel.
- e. **Accounting of funds received in connection with open cases:** Within twenty-eight (28) days of the date this consent order is entered by the Court, Mr. Eisner will provide an accounting of all retainers or other funds received in connection with the cases listed on Exhibit A with the account numbers in which those funds have been deposited. Also within twenty-eight (28) days, for any of the cases listed on Exhibit A for which Mr. Eisner believes he should receive compensation, Mr. Eisner will file an application for compensation in accordance with 11 U.S.C. § 330 and Fed. R. Bankr. P. 2016. If Mr. Eisner does not file a fee application as

required by this order for any case listed on Exhibit A, Mr. Eisner will, within twenty-eight (28) of the entry of this order, refund to the client any retainer or amount deposited by him in connection with the case.

- f. **Contempt of Court for Violations of Agreement:** Mr. Eisner agrees that any violation of this order by him may be treated as contempt of this Court.
- g. **Other Proceedings:** Mr. Eisner agrees and understands that this agreement does not affect any current or future investigation or prosecution by the United States Attorney's Office or by any other federal, state or local governmental entity. Further, he further agrees and understands this settlement does not preclude any current or future action by current or former clients.

**ORDER**

Having reviewed the foregoing and the record in this case, the Court finds that the agreement outlined above is fair and equitable under the facts of this case and consistent with the understanding of the parties, it is therefore

**ORDERED** that Michael Lawrence Eisner is suspended from the bar of the United States Bankruptcy Court for the Eastern District of Virginia, in accordance with the terms of stipulations and agreement set out above.

**Date:** \_\_\_\_\_

\_\_\_\_\_  
Brian F. Kenney  
United States Bankruptcy Judge

***[Signatures on Next Page]***

AGREED AND STIPULATED TO:

W. Clarkson McDow, Jr.  
United States Trustee, Region 4

By: Joseph A. Guzinski  
Joseph A. Guzinski  
Assistant United States Trustee  
Office of United States Trustee  
115 South Union Street  
Alexandria, VA 22314  
(703) 557-7176

*Michael Lawrence Eisner (by permission)*  
*(signed copy on file with Office of the United States Trustee)*  
Michael Lawrence Eisner  
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Coram, NY 11727  
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